

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7510 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VASANTRAY B DAVE

Versus

BANTAVA MUNICIPAL BOROUGH

Appearance:

MR PARESH UPADHYAY for Petitioner

MS YAMINI DESAI for MR YOGESH S LAKHANI for Respondent No. 1

MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/04/99

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner, a retired employee of respondent No.1 filed this special civil application and prayed for the direction to the respondents to release arrears of pay and other dues payable to him as per annexure 'A' to this petition. He further prays for direction to the respondents to pay interest on the arrears at the rate of 18% p.a. for the delayed payment of the claim of the

petitioner from due date till the date of payment thereof.

3. This petition has come up for admission before this Court on 9-9-1998 on which date notice has been issued to the respondents. Then on 5th October, 1998, this Court has passed the following order:

Heard Mr. Upadhyay and Mr. Lakhani for parties.

It is the grievance of the petitioner that he has not been paid the arrears as per the recommendations of the Desai Pay Commission even though some other employees of the Municipality have been paid the amount on such head. If that is so, the first respondent is directed to calculate the amount of the arrears as per the recommendations of the Desai Pay Commission and shall make the payment to the petitioner on or before the next date of hearing. S.O. to 30-11-98. DS permitted.

4. Thereafter this matter was placed on board from time to time and ultimately on 10th March, 1999, it has been admitted. So more than one year and six months have already been passed but none of the respondents has cared to file reply to the special civil application. Thus the averments made by the petitioner that the amount of arrears as mentioned in annexure 'A' at page No.7 of this special civil application stand uncontroverted and it has to be taken to be accepted.

5. In the result, this special civil application is allowed and the respondent No.1 is directed to pay Rs.38310-35 with interest at the rate of 12 % from the due date till the date of payment within a period of two months from the date of receipt of writ of this order. Rule is made absolute in the aforesaid terms. The respondent No.1 is further directed to pay Rs.2000/by way of costs of this petition to the petitioner.

zgs/-